

HOUSE BILL NO. 31

INTRODUCED BY D. ROBERTS

BY REQUEST OF THE CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR AN OFFICE OF SUBSTANCE ABUSE PREVENTION AND TREATMENT AND A COMMISSIONER; ATTACHING THE OFFICE OF SUBSTANCE ABUSE PREVENTION AND TREATMENT TO THE GOVERNOR'S OFFICE; REPLACING THE INTERAGENCY COORDINATING COUNCIL FOR STATE PREVENTION PROGRAMS WITH THE OFFICE OF SUBSTANCE ABUSE PREVENTION AND TREATMENT; PROVIDING THAT THE COMMISSIONER IS A MEMBER OF THE BOARD OF CRIME CONTROL; AMENDING SECTION 2-15-2006, MCA; REPEALING SECTION 2-15-225, MCA; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, the Alcohol, Tobacco, and Other Drug Control Policy Task Force had as its most important recommendation the establishment of a "drug czar" position to provide leadership for state prevention, treatment, and correctional programs; and

WHEREAS, the Legislative Children, Families, Health, and Human Services Interim Committee continued the efforts prescribed in the Senate Joint Resolution No. 11 study and recommends the creation of an Office of Substance Abuse Prevention and Treatment with a cabinet-level Commissioner to lead prevention efforts in the state and to coordinate prevention and treatment programs between state agencies in order to assist local communities in battling the devastating effects of substance abuse, especially illegal drug use; and

WHEREAS, the state has many separate efforts that the Commissioner can build on and use as resources, including the Prevention Resource Center, the Addictive and Mental Disorders Division, and Tobacco Use Prevention Program in the Department of Public Health and Human Services, prevention efforts of the Montana Board of Crime Control and Office of Public Instruction, and ongoing data-gathering processes, such as the Prevention Needs Assessment, the Behavior Risk Factor Survey System, and the Youth Risk Behavior Survey; and

WHEREAS, the Office and the Commissioner will act as a liaison for all Executive and Judicial Branch agencies that have programs related to substance abuse prevention, treatment, and control or mitigation of the ramifications of substance abuse, such as the Departments of Agriculture, Commerce, Corrections, Environmental Quality, Justice, Labor, Military Affairs, Public Health and Human Services, Revenue, and

1 Transportation, the various treatment and problem-solving courts, and the Offices of the Attorney General and
2 the Superintendent of Public Instruction; and

3 WHEREAS, it is the intent of the Legislature to allow the Office and Commissioner of Substance Abuse
4 Prevention and Treatment to evolve as an understanding is developed of the state programs and the needs of
5 the people of Montana.

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7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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9 NEW SECTION. Section 1. Office of substance abuse prevention and treatment. (1) There is an
10 office of substance abuse prevention and treatment. The head of the office is a commissioner appointed by the
11 governor. The office and commissioner of substance abuse prevention and treatment are attached to the office
12 of the governor for administrative purposes only as prescribed in 2-15-121.

13 (2) The commissioner shall coordinate efforts for statewide programs involved in prevention and
14 treatment of substance abuse, including abuse of alcohol, tobacco, and other drugs.

15 (3) Upon request, state agencies shall cooperate with the office of substance abuse prevention and
16 treatment and shall provide budgetary, program, and grant information on a regular basis. The commissioner
17 shall work with the office of budget and program planning to prepare a directory of all prevention and treatment
18 programs, funds, and grants in the state. The commissioner and the budget director shall prepare a budget
19 proposal for the statewide coordination of substance abuse prevention and treatment in order to decrease
20 duplication and provide the necessary technical assistance, evaluation, public relations, or other services
21 necessary to administer programs appropriately and efficiently.

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23 NEW SECTION. Section 2. Duties of office of substance abuse prevention and treatment. (1) The
24 duties of the office of substance abuse prevention and treatment are to:

25 (a) develop and coordinate a unified statewide strategic plan to assess whether agency prevention and
26 treatment programs and budgets are efficiently addressing and coordinating the continuum of substance abuse
27 education, prevention, intervention, and treatment programs for alcohol, tobacco, and other drugs in a manner
28 that improves the life and health outcomes for youth and adults in Montana and to integrate the strategic plan
29 into the executive budget and planning processes;

30 (b) coordinate and provide advice to agencies regarding ways to achieve efficiencies in spending and

1 to improve interagency cooperation to enhance state and local substance abuse education, prevention,
2 intervention, and treatment programs across the state;

3 (c) identify the appropriate state agency or agencies to provide research and analysis regarding
4 successful programs, evidence-based best practices, standards, procedures, and protocols in order to develop
5 interagency programs to coordinate prevention programs and to coordinate treatment efforts, especially between
6 the department of public health and human services and the department of corrections;

7 (d) advise the governor and the legislature regarding proposals for statewide collaborative efforts,
8 including partnerships and elimination of duplication of efforts, and to hold programs accountable by measuring
9 impact and success;

10 (e) provide state and local agencies and community programs with a central repository for resource and
11 referral information, grant opportunities, data on substance use and abuse, prevention and treatment standards
12 and best practices, planning tools, and training opportunities;

13 (f) establish resources for accountability through evaluation of performance outcomes for prevention
14 and treatment programs;

15 (g) provide information regarding training and cross-training programs and opportunities statewide; and

16 (h) provide coordination among local, state, tribal, and federal efforts and to integrate the efforts in the
17 statewide strategic plan.

18 (2) The commissioner shall attempt to bridge efforts between officials of tribal governments, local
19 governments, and the federal government and state elected officials and department directors, including but not
20 limited to the attorney general, the state court administrator, the directors of the departments of public health and
21 human services and corrections, the department of public health and human services that administers substance
22 abuse prevention and treatment as provided for in Title 53, chapter 24, part 2, the board of crime control, the
23 tobacco use prevention program administered by the department of public health and human services, the office
24 of the superintendent of public instruction, and all other state agencies that have programs related to substance
25 abuse prevention, treatment, intervention, or control.

26 (3) The commissioner shall assist the governor and the attorney general in developing comprehensive
27 statewide strategic plans to address critical issues related to substance abuse. The commissioner shall create
28 or identify existing interagency coordinating mechanisms to assist in the duties of the office and to develop
29 memoranda of understanding when necessary.

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NEW SECTION. Section 3. Report to governor and legislature. The office of substance abuse prevention and treatment shall prioritize the duties provided in [sections 1 and 2] and prepare an analysis, a proposed long-term work plan, and proposed methods of evaluation for the office of substance abuse prevention and treatment. The office shall report to the governor and the children, families, health, and human services interim committee, as provided in 5-11-210, regarding its analysis, plan, evaluation methods, progress, findings, and recommendations by September 1, 2006.

Section 4. Section 2-15-2006, MCA, is amended to read:

"2-15-2006. Board of crime control -- composition -- allocation. (1) There is a board of crime control.

(2) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121. However, the board may hire its own personnel, and 2-15-121(2)(d) does not apply.

(3) The board is composed of 18 members appointed by the governor in accordance with 2-15-124 and any special requirements of Title I of the Omnibus Crime Control and Safe Streets Act, as amended. The commissioner of substance abuse prevention and treatment, provided for in [section 2], is a member of the board. The board ~~shall~~ must be representative of:

(a) state and local law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency;

(b) units of general local government; ~~and;~~

(c) public agencies maintaining programs to reduce and control crime ~~and shall include representatives of;~~ and

(d) citizens and professional and community organizations, including organizations directly related to crime prevention, delinquency prevention, and public safety."

NEW SECTION. Section 5. Repealer. Section 2-15-225, MCA, is repealed.

NEW SECTION. Section 6. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 2, chapter 15, part 2, and the provisions of Title 2, chapter 15, part 2, apply to [sections 1 and 2].

NEW SECTION. Section 7. Effective date. [This act] is effective July 1, 2005.

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